



Rep. Eddie Washington

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09300HB5385ham001

LRB093 17063 LCB 49931 a

1 AMENDMENT TO HOUSE BILL 5385

2 AMENDMENT NO. _____. Amend House Bill 5385 by replacing
3 the title with the following:

4 "AN ACT concerning estates."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Probate Act of 1975 is amended by changing
8 Sections 11-3 and 11a-5 as follows:

9 (755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

10 Sec. 11-3. Who may act as guardian.

11 (a) A person ~~who has attained the age of 18 years, is a~~
12 ~~resident of the United States, is not of unsound mind, is not~~
13 ~~an adjudged disabled person as defined in this Act, has not~~
14 ~~been convicted of a felony, and who the court finds is capable~~
15 ~~of providing an active and suitable program of guardianship for~~
16 ~~the minor~~ is qualified to act as guardian of the person and as
17 guardian of the estate if the court finds that the proposed
18 guardian is capable of providing an active and suitable program
19 of guardianship for the minor and that the proposed guardian:

20 (1) has attained the age of 18 years;

21 (2) is a resident of the United States;

22 (3) is not of unsound mind;

23 (4) is not an adjudged disabled person as defined in

1 this Act; and

2 (5) has not been convicted of a felony, unless the
3 court finds appointment of the person convicted of a felony
4 to be in the minor's best interests, and as part of the
5 best interest determination, the court has considered the
6 nature of the offense, the date of offense, and the
7 evidence of the proposed guardian's rehabilitation. No
8 person shall be appointed who has been convicted of a
9 felony, including a felony sexual offense, involving harm
10 or threat to a child.

11 One person may be appointed guardian of the person and another
12 person appointed guardian of the estate.

13 (b) The Department of Human Services or the Department of
14 Children and Family Services may with the approval of the court
15 designate one of its employees to serve without fees as
16 guardian of the estate of a minor patient in a State mental
17 hospital or a resident in a State institution when the value of
18 the personal estate does not exceed \$1,000.

19 (Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97;
20 90-472, eff. 8-17-97.)

21 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

22 Sec. 11a-5. Who may act as guardian.

23 (a) ~~A person who has attained the age of 18 years, is a~~
24 ~~resident of the United States, is not of unsound mind, is not~~
25 ~~an adjudged disabled person as defined in this Act, has not~~
26 ~~been convicted of a felony, and who the court finds is capable~~
27 ~~of providing an active and suitable program of guardianship for~~
28 ~~the disabled person~~ is qualified to act as guardian of the
29 person and as guardian of the estate of a disabled person if
30 the court finds that the proposed guardian is capable of
31 providing an active and suitable program of guardianship for
32 the disabled person and that the proposed guardian:

33 (1) has attained the age of 18 years;

1 (2) is a resident of the United States;

2 (3) is not of unsound mind;

3 (4) is not an adjudged disabled person as defined in
4 this Act; and

5 (5) has not been convicted of a felony, unless the
6 court finds appointment of the person convicted of a felony
7 to be in the disabled person's best interests, and as part
8 of the best interest determination, the court has
9 considered the nature of the offense, the date of offense,
10 and the evidence of the proposed guardian's
11 rehabilitation. No person shall be appointed who has been
12 convicted of a felony, including a felony sexual offense,
13 involving harm or threat to an elderly or disabled person.

14 (b) Any public agency, or not-for-profit corporation found
15 capable by the court of providing an active and suitable
16 program of guardianship for the disabled person, taking into
17 consideration the nature of such person's disability and the
18 nature of such organization's services, may be appointed
19 guardian of the person or of the estate, or both, of the
20 disabled person. The court shall not appoint as guardian an
21 agency which is directly providing residential services to the
22 ward. One person or agency may be appointed guardian of the
23 person and another person or agency appointed guardian of the
24 estate.

25 (c) Any corporation qualified to accept and execute trusts
26 in this State may be appointed guardian of the estate of a
27 disabled person.

28 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law."